

1 GLYNN & FINLEY, LLP  
CLEMENT L. GLYNN, Bar No. 57117  
2 ADAM FRIEDENBERG, Bar No. 205778  
JONATHAN A. ELDREDGE, Bar No. 238559  
3 One Walnut Creek Center  
100 Pringle Avenue, Suite 500  
4 Walnut Creek, CA 94596  
Telephone: (925) 210-2800  
5 Facsimile: (925) 945-1975  
[cglynn@glynnfinley.com](mailto:cglynn@glynnfinley.com)  
6 [afriedenberg@glynnfinley.com](mailto:afriedenberg@glynnfinley.com)  
[jeldredge@glynnfinley.com](mailto:jeldredge@glynnfinley.com)

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8 Attorneys for Defendant  
ConocoPhillips Company

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

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13 CHARLES DAVIDSON and CD & PWS ) **Case No. C 08-01756 BZ**  
ENTERPRISES, INC., )  
14 ) **DEFENDANT CONOCOPHILLIPS**  
Plaintiffs, ) **COMPANY'S AMENDED NOTICE OF**  
15 ) **MOTION AND MOTION TO DISMISS**  
vs. ) **PLAINTIFFS' COMPLAINT**  
16 ) **Date: July 2, 2008**  
CONOCOPHILLIPS COMPANY and ) **Time: 10:00 a.m.**  
17 DOES 1 through 100, ) **Courtroom: G**  
18 ) **Before: Hon. Bernard Zimmerman**  
Defendants. )  
\_\_\_\_\_ )

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21 TO PLAINTIFFS CHARLES DAVIDSON AND CD & PWS ENTERPRISES,  
22 INC., AND THEIR ATTORNEYS OF RECORD:


23 PLEASE TAKE NOTICE that on July 2, 2008, at 10:00 a.m., or as soon thereafter as the  
24 matter may be heard by the above-entitled Court, located at 450 Golden Gate Avenue, San  
25 Francisco, California, Defendant ConocoPhillips Company ("ConocoPhillips") will bring on for  
26 hearing this motion to dismiss the Complaint of Plaintiffs Charles Davidson ("Davidson") and  
27 CD & PWS Enterprises ("CD") (collectively, "Plaintiffs") pursuant to Federal Rule of Civil  
28 Procedure 12(b)(6).

1 This motion is made on the ground that the Complaint, and each purported claim for  
2 relief set forth therein, fails to allege facts sufficient to state a claim upon which relief can be  
3 granted. Accordingly, each claim fails as a matter of law and must be dismissed.

4 This motion is based upon this Notice of Motion and Motion, and ConocoPhillips'  
5 previously submitted Memorandum of Points and Authorities and exhibits thereto (Docket No.  
6 8), all orders, pleadings and papers on file in this action, and upon such other matters of which  
7 the Court may take judicial notice or which may be presented to the Court at the time of hearing.

8 Dated: April 24, 2008

9 GLYNN & FINLEY, LLP  
10 CLEMENT L. GLYNN  
11 ADAM FRIEDENBERG  
12 JONATHAN A. ELDREDGE  
13 One Walnut Creek Center  
14 100 Pringle Avenue, Suite 500  
15 Walnut Creek, CA 94596

16 By   
17 Attorneys for Defendant  
18 ConocoPhillips Company  
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